



Open-ended Working Group to develop proposals to take forward multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons**Geneva 2013**

Item 6 of the agenda

Report to the General Assembly at its sixty-eighth session**Draft****Report of the Open-ended Working Group to develop proposals to take forward multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons****IV. Discussions held and proposals made**

18. During the Open-ended Working Group participants engaged in interactive, open, and constructive discussions on substantive aspects of multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons. Participants recognized the absence of concrete outcomes of multilateral nuclear disarmament negotiations within the United Nations framework for more than a decade and emphasized the importance and urgency of substantive progress on priority disarmament and non-proliferation issues. Throughout these discussions, as well as in working papers presented to the Open-ended Working Group, State representatives, international organizations, and civil society presented a breadth of views and proposals. They are reflected in the following paragraphs without prejudice to national positions or attempting to be comprehensive or exhaustive. The details of the discussions held and proposals made at the Open-ended Working Group can be found in the statements made, working papers submitted and other conference documents.

A. Approaches on how to take forward multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons

19. In addressing the ways to take forward multilateral nuclear disarmament negotiations, the Open-ended Working Group discussed the current status, perspectives and challenges to nuclear disarmament.

20. The Open-ended Working Group participants affirmed that the universal objective of taking forward multilateral nuclear disarmament negotiations remains the achievement and maintenance of a world without nuclear weapons. Several approaches towards this goal were discussed, including an action plan for a nuclear-weapons free and non-violent world to attain the goal of nuclear disarmament in a universal, time bound, non-discriminatory, phased and verifiable manner; the step-by-step approach of mutually reinforcing and progressive steps leading to the full and complete elimination of nuclear weapons; the comprehensive approach for a phased program for the complete elimination of nuclear weapons with a specified framework of time, including a nuclear weapons convention, to prohibit their possession, development, production, acquisition, testing, stockpiling, transfer, use or threat of use, and provides for their destruction; a legally binding framework committing all States to a world without nuclear weapons comprising mutually reinforcing components, implemented in an unconditional manner and backed by clearly defined timelines and benchmarks; and, a “building blocks” approach - a set of mutually reinforcing unilateral, bilateral, plurilateral and multilateral elements and not implying conditionality and without prejudice to a timeframe.

21. The Group emphasized, however, that notwithstanding the approach the international community would decide to follow, in order to move forward on nuclear disarmament and ultimately to eliminate the risk of the catastrophic humanitarian consequences from the use of nuclear weapons, the international community should focus on common ground and not on differences.

B. Elements to consider in taking forward multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons

22. The Group discussed the relation between the elements needed to take forward multilateral nuclear disarmament negotiations to achieve and maintain a world without nuclear weapons. While recognizing the inter-relation between the method and the elements, delegations suggested that there are elements that need to be addressed regardless of the method employed. It was also proposed that the method would determine the elements.

23. The multilateral nature of negotiations for achieving and maintaining a world without nuclear weapons was discussed as well as unilateral, bilateral and plurilateral initiatives.

24. Discussion was also conducted on how to group the elements needed for the establishment and the elements needed for maintenance of a world without nuclear weapons. Several alternatives were explored in grouping elements that varied from the stage of achieving and maintaining a world without nuclear weapons (end state/interim measures) to the timeframe of their development (short/medium/long term elements) to their nature (political confidence building measures/legally binding instruments).

25. The Open-ended Working Group discussed the need for full, effective and non-discriminatory implementation of existing disarmament and non-proliferation obligations and commitments, including the Treaty on the Non-Proliferation of Nuclear Weapons and the outcome of its review conferences.

26. During discussions, statements and in working papers submitted, participants considered the importance of pursuing elements to take forward multilateral nuclear disarmament negotiations for achieving and maintaining a world without nuclear weapons in totality and without preconditions or hierarchy. While stressing the need to apply the principles of transparency, verifiability and irreversibility for achieving and maintaining a world without nuclear weapons, the following elements were raised. These include political measures and legal instruments that could be established and implemented, such as:

- Affirming the unequivocal commitment of all States to the goal of complete elimination of nuclear weapons.
- Maintaining or declaring a moratorium on the production of fissile material for nuclear weapons or other explosive device purposes, and the conversion of installations for peaceful purposes and under international verification.
- Maintaining or declaring a moratorium on nuclear weapons tests, development of new types of nuclear weapons or upgrading current nuclear-weapon systems.
- Reducing the role of nuclear weapons in national and alliances' military and security doctrines/postures/strategies towards their complete elimination.
- Maintaining or declaring no-first use of nuclear weapons.
- Removing of nuclear weapons from territories of non-nuclear-weapon States.
- Designating fissile material no longer required for military purposes and the development of legally binding verification and arrangements, within the context of the IAEA, to ensure the irreversible removal of such fissile material.
- Enhancing the role of nuclear-weapon-free zones, by removing the conditionalities and reservations that have been imposed by nuclear weapon States, and broadening their reach by establishing new zones where they do not already exist, particularly in the Middle East; as well as national legislation prohibiting nuclear weapons.
- Increasing transparency and providing a clear baseline to measure progress of nuclear disarmament, including a complete inventory of nuclear stockpiles, nuclear warheads, delivery systems, and fissile material for nuclear weapons. Participants discussed the importance of regular reporting in this context with a uniformed format.
- Enhancing measures towards the security of nuclear weapons and to reduce the operational readiness of nuclear-weapons systems, including through the development of legal instruments and other measures, to minimize the possibility of nuclear detonations, whether intentional, accidental or as a result of miscalculation.
- Implementing measures to reduce nuclear danger.
- Developing verification tools, capabilities and mechanisms to be utilized towards the establishment and maintenance of a world without nuclear weapons.
- The universalization of the Treaty on the Non-Proliferation of Nuclear Weapons.
- Affirming non-proliferation commitments and compliance with non-proliferation obligations.

27. The Open-ended Working Group also discussed measures consisting of legally binding instruments towards achieving a world without nuclear weapons to be implemented in an interim phase. These variably included:

- A clear, legally binding universal and non-discriminatory multilateral commitment, on the part of all States, to the goal of nuclear disarmament, with clearly defined benchmarks and timelines.
- Progressive, uninterrupted and irreversible reduction of nuclear arsenals, anywhere and of any type, with clear benchmarks and timelines accompanied by an international verification regime and the placement of all nuclear facilities under such a regime.
- A multilateral legally binding-instrument dealing with all aspects of testing of nuclear weapons and the entry into force of the Comprehensive Nuclear-Test-Ban Treaty.
- A multilateral legally binding-instrument dealing with the prohibition of all aspects of fissile material for nuclear weapons or other nuclear explosive devices.
- The provision of legally binding negative security assurances against the use or threat of use of nuclear weapons to non-nuclear weapons States.
- Bilateral or plurilateral legal arrangements between nuclear-weapon States
- A legally binding instrument on the no-first use of nuclear weapons.

28. The Group considered elements necessary for maintaining a world without nuclear weapons once achieved. Towards this end, the following elements were identified:

Complete elimination of nuclear weapons and nuclear weapons material and its verification.

- Prohibition of the use or threat of use of nuclear weapons.
- Prohibition of the possession, stockpiling, development or transfer of nuclear weapons.
- Prohibition of the production of or the use of already existing fissile material for nuclear weapons and placing all such fissile material under international safeguards.
- Prohibition of nuclear-weapons tests in all their forms, including both supercritical and subcritical tests.

C. Reviewing the role of nuclear weapons in the security context of the twenty first century in order to take forward multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons

29. The Group discussed the importance of examining the role of nuclear weapons in the security context of the twenty first century.

30. In addressing the role of nuclear weapons, participants considered broader and more multi-dimensional definitions of collective security that take into account, inter alia, humanitarian issues and developmental goals. The humanitarian impact of nuclear weapons was put forward as a cross-cutting issue that affects all elements of the disarmament agenda. Participants also spoke to the need to examine the nature of security in the twenty first century and questioned whether nuclear weapons met these needs. Devaluing nuclear weapons and questioning the effect of deterrence postures were discussed.

31. Participants discussed the need to take into account the security perceptions of States possessing nuclear weapons and to build dialogue, trust and confidence among these States. Proposals were made with regard to reducing the salience of nuclear weapons in existing security doctrine. The need for engagement between non-nuclear weapons states and those possessing nuclear weapons was also raised.

32. Proposals covered a range of activities from unilateral reductions in tactical, strategic and non-deployed nuclear warheads to their full elimination through a multilaterally negotiated process. Participants also made proposals addressing the prevention of modernization of existing nuclear arsenals and the development of new weapons.

D. The role of international law to take forward multilateral nuclear disarmament negotiations for the achievement and the maintenance of a world without nuclear weapons

33. The Open-ended Working Group considered the contribution of international law to take forward multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons. The Group considered the gaps in the existing international legal framework.

34. The Group discussed options to fill the legal gaps in achieving the objective of a world without nuclear weapons, including in the current international legal framework, through a multilateral legal instrument, or several instruments, complementary to existing ones. Participants discussed whether such an instrument or instruments, should be universal and prohibit the development (including modernisation) of nuclear weapons, testing in all its forms of nuclear weapons, production of nuclear weapons, production of or use of existing fissile material for nuclear weapons, possession and stockpiling of nuclear weapons, transfer of nuclear weapons as well as the use and threat of use of nuclear weapons. In this context, the option of a treaty banning nuclear weapons was discussed.

35. Taking into account past efforts of unilateral and bilateral nuclear arms control and disarmament measures, delegations discussed a number of concrete multilateral nuclear disarmament measures to be undertaken through legally binding instruments and with a defined timeframe. Also, the verification regime for nuclear disarmament established through legally binding instruments was discussed.

36. In order to take forward multilateral nuclear disarmament negotiations for achieving and in particular maintaining a world without nuclear weapons, delegations discussed the extension of the application of the safeguards regime to all States.

37. The Open-ended Working Group considered the supportive nature of other legal norms, both existing and proposed ones, for global nuclear disarmament efforts. Also, the Group addressed the legality and legitimacy of nuclear weapons. In this context, the stigmatisation of nuclear weapons and its legal implications were discussed.

38. The Group discussed the evolution of international law since the 1996 International Court of Justice Advisory Opinion on the Legality of the Threat or Use of Nuclear Weapons, including in the areas of international humanitarian law, human rights law and environmental law, and the potential implications for taking forward multilateral nuclear disarmament negotiations. The Group further discussed the evolution of international criminal law as related to the use or threat of use of nuclear weapons. The Group discussed the idea of undertaking a study of the evolution of international law relevant to the achievement of a world without nuclear weapons, including in the areas of international

humanitarian law, human rights law, environmental law and in the legal realm of the International Criminal Court.

E. The role of States and other actors in taking forward multilateral nuclear disarmament for the achievement and maintenance of a world without nuclear weapons

39. The Group addressed the role of States and other actors in taking forward nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons. It addressed in particular whether States have common or different roles to play.

40. The Group noted that achieving a world without nuclear weapons is a shared responsibility of all States, notably in the light of the catastrophic humanitarian consequences of nuclear weapons. The Group also noted that while this responsibility is shared and collective, States have differentiated roles and functions.

41. The Group shared the view that non-nuclear-weapon States have a role in promoting global nuclear disarmament. The Group also considered that nuclear-weapon States, in particular those with the largest nuclear arsenals, bear a special responsibility in the tasks of achieving nuclear disarmament, including implementing effective measures relating to nuclear disarmament.

42. The Group discussed the role of parliamentarians, pertinent international organizations, in particular the United Nations and associated bodies, civil society and academia as actors in taking forward multilateral nuclear disarmament negotiations. In addressing nuclear weapons as a humanitarian and human security issue, the Group considered that States should build partnerships with a wide range of actors.

43. In discussing proposals, the Group explored the role of non-nuclear-weapon States in challenging the status and the value attached to nuclear weapons. The role of non-nuclear-weapons States under extended nuclear deterrence guarantees in reducing the salience of nuclear weapons in security doctrines was discussed. The Group also discussed the role of nuclear-weapon-free zones in challenging the value and legitimacy of nuclear weapons and the potential for greater cooperation among the nuclear-weapon-free zone for promoting nuclear disarmament.

F. Other practical actions that could contribute to take forward multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons

44. The Group discussed the need to continue to address nuclear disarmament in various fora, including the General Assembly of the United Nations, the Conference on Disarmament, the Review process of the Treaty on the Non-Proliferation of Nuclear Weapons and in High Level Meetings or Summits.

45. The Open-ended Working Group discussed the role of education for promoting progress towards nuclear disarmament. Participants highlighted the contributions education could make in raising understanding about different dimensions of nuclear disarmament, including humanitarian, economic, and environmental consequences of nuclear weapons.

46. The Group considered the need to continue to implement the recommendations contained in the report of the Secretary-General of the United Nations (A/57/124), including reporting on a bi-annual basis of their efforts in this regard. Participants also discussed making greater use of new communications and information technology to

disseminate educational materials and raise awareness in the general public, particularly amongst young people.

47. Participants discussed the reallocation of funding from nuclear weapon programmes to other areas, inter alia economic development, nuclear disarmament and disarmament and non-proliferation education. In addressing the issue of divestment of nuclear weapons, the Group discussed the role of the public and private sectors.

48. The Group discussed the impact of anti-ballistic missile defence systems and the prevention of arms race in outer space on nuclear disarmament.

49. The Group discussed the need for further work on all issues related to taking forward multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons addressed during the Open-ended Working Group.
